



CITY COUNCIL

Committee of the Whole

Monday, April 13, 2009

Council Office

4:45 pm

Agenda

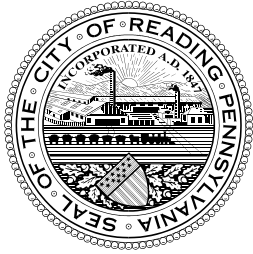
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|------|---------------------------------|---------|
| I. | Executive Session – Personnel | 4:45 pm |
| II. | Affirmative Action Plan | 5:30 pm |
| III. | Public Improvements (A. Boscov) | 6:00 pm |
| IV. | Agenda Review | 6:30 pm |

Ordinance – amending the City of Reading Codified Ordinances Section 10-1212.03.2 adding necessary language to establish a non-refundable application fee for all businesses that sell food in the City of Reading **(Law)** *Introduced at the March 9 regular meeting; Tabled at the March 23 regular meeting; reviewed April 6 at the Public Safety Committee*

Ordinance - amending the City of Reading Codified Ordinances – Chapter 4 – Part 1 Historical Districts – Section 102 by adding the definition of satellite dish, antenna and other modern device and Chapter 4 – Part 1 Historic Districts by establishing guidelines for the installation of satellite dishes and other modern accessories, devices or fixtures of comparable size in historic districts **(Waltman)** *Introduced at the March 23 regular meeting; reviewed April 6 at the Public Safety Committee*

Ordinance - amending Chapter 11 Housing of the City of Reading Codified Ordinances by amending the term “Housing Permit” to “Rental Registration” **(Law)** *Introduced at the March 23 regular meeting; reviewed April 6 at the Public Safety Committee*

Ordinance - amending the City of Reading Charter Board Ordinance Section V (A) (2) (c) regarding the withdrawal of complaints filed with the Charter Board **(Charter Board)** *Introduced at the March 23 regular meeting*



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
March 23, 2009
4:30 P.M.

COUNCIL MEMBERS PRESENT:

V. Spencer, D. Sterner, M. Goodman-Hinnershitz, M. Baez, S. Marmarou, S. Fuhs, J. Waltman

OTHERS IN ATTENDANCE:

L. Kelleher, S. Katzenmoyer, C. Younger, T. McMahon

Mr. Spencer, President of Council, called the Committee of the Whole meeting to order at 4:35 p.m.

I. Executive Session

Council entered executive session at 4:40 pm to discuss litigation issues. Council exited executive session at 4:58 pm.

II. Handicapped Parking

Tonya Butler joined the meeting at this time.

Ms. Butler explained that there is nothing preventing a neighbor from using another neighbor's handicapped parking space if that person has a handicapped license plate or placard. She noted that other cities who are also following the recommended guidelines have encountered problems with this situation. There is nothing that the City can do to prevent it.

Ms. Goodman-Hinnershitz stated her belief that the perception of ownership of the space is problematic. She noted the need to re-educate citizens. Ms. Butler informed Council that the resolution and application form state that the space is not for use by the applicant only.

Ms. Goodman-Hinnershitz reminded Council of the transience of City residents. She noted the difficulty of maintaining many spaces.

Mr. Marmarou described a situation in the 000 block of N. 10th St where a handicapped parker received tickets for not moving every two hours (this was a two hour parking zone – parking limitation has been removed because of this handicapped parker). Ms. Butler noted that Ms. Katzenmoyer spoke with her about this situation and a clause stating that vehicles in handicapped parking spaces are not precluded from following all other parking regulations including street sweeping, 72 hour parking, etc.

Mr. Waltman questioned what this resolution was trying to accomplish. He stated that if people need a space, they should receive a space.

Mr. Spencer voiced the concern of many citizens that they will have long distances to walk from their car to their home in the dark or late at night. He reminded Councilors of problems with muggings and robberies. He stated that the resolution needs to remove the two space per block limitation and create criteria to qualify for a space.

Ms. Katzenmoyer stated that temporary signs need to be addressed. Ms. Butler stated that this resolution states that temporary signs will not be installed.

Mr. Sterner stated his belief that temporary signs should be made available. Ms. Katzenmoyer and Ms. Kelleher explained that the Maximus fee study shows that the cost of handicap space/sign installation is \$137.00. This fee would be doubled, \$267.00 for installation/removal of the temporary space. They reminded Council that a fee for this service is not charged to residents to help remove the perception of ownership.

Ms. Goodman-Hinnershitz voiced her agreement that temporary signs should not be installed. She stated that she supports the resolution as written. She stated her belief that the bigger issue is the overall lack of parking in the City.

Mr. Waltman stated that this lack of parking speaks to the housing issues in the City.

Ms. Goodman-Hinnershitz stated her belief that a City-wide parking study should be performed.

Council voiced its support for this resolution and requested it be placed on the April 13 agenda for action.

Ms. Goodman-Hinnershitz again stated the need to educate City residents.

III. Healthcare Resolution

Mr. Spencer stated the concern of many citizens regarding access to healthcare. He called Council's attention to the draft resolution and stated that he would be procuring copies of the House and Senate bills. He stated his intent to bring this resolution forward in the near future. He suggested that this be included on the next Committee

of the Whole meeting agenda.

IV. Agenda Review

Council reviewed the agenda for this evening's meeting.

- School Time Curfew Ordinance amendment

Ms. Butler explained that the heading for the amendment is incorrect. This amendment changes the definition of loitering.

Ms. Spencer questioned why grade school was defined separately from school. Ms. Butler stated that this was added at the request of the Deputy Police Chief.

- Penn St and Court St deeds to Redevelopment Authority

This is necessary to continue the building project in the 1000 block of Penn St.

- Establishing an application fee for all businesses selling food

Mr. Fuhs questioned if this cost was included in the permit fee. He stated his belief that this is a double fee.

Ms. Kelleher stated that these fees have not increased in many years. She noted the Maximus report recommendations and stated that this fee is intended to cover the costs associated with processing the application.

Ms. Goodman-Hinnershitz suggested tabling this legislation and requested that Ms. Butler be present at the next Committee of the Whole meeting to answer questions.

- Local Redevelopment Authority amendment

Mr. Spencer and Ms. Kelleher explained that the life of the LRA is longer than expected. This requires redefining membership and adding term expirations.

- Award of Contract – Design and Engineering services for the City Park Bandshell project

Mr. Spencer stated that the firm selected to receive the contract award is not the low bidder. He also voiced his concern that this firm is the same firm who designed the City Park master plan.

Mr. Kanezo stated that those submitting the lowest bids did not meet the project specifications.

Mr. Spencer compared this situation to that with Black and Veatch and the waste water treatment plant project.

Mr. Marmarou stated his desire to hire firms that are local due to the struggling economy.

- Restricting the placement of satellite dishes on front facades in historic districts

Mr. Waltman noted the growing problem and unsightliness of satellite dishes on front facades of historic homes. He stated that this ordinance would define where they may be placed.

Mr. Waltman requested that this ordinance be discussed at the next Committee of the Whole meeting and that Amy Johnson, Preservation Specialist, be invited to attend.

- Revolutionary War memorial

Mr. Spencer stated that the Sons/Daughters of the American Revolution have gone through the planning process. They have also met with Penn's Commons Historic District and HARB.

V. Other Business

Mayor McMahon invited Council to attend a reception at Canal Street on Monday, March 30 at 5 pm with the Mayoress of Reutlingen, Germany.

Charlie Jones joined the meeting at this time.

The contract award for the design and engineering of the bandshell project was revisited.

Mr. Jones stated that the RFP process was used. He stated that the chosen firm has vast experience and expertise in the many environmental issues that will be addressed in regard to the pond. He stated that they have a partnership with F. X. Brown and that environmental issues are Brown's specialty. He stated that price is only one factor during the evaluation process.

Mr. Sterner questioned if this contract was for construction of the project. Mr. Jones stated that it is for design and engineering only.

Mayor McMahon questioned how Mr. Jones will pay for this work. Mr. Jones stated that it is included in the Capital Improvement Plan.

Mayor McMahon questioned if this project was shovel ready and would qualify for federal stimulus funds. Mr. Jones stated that it was not as construction would begin no sooner than August.

Mr. Fuhs questioned who would be doing the construction. Mr. Jones stated that it would be bid.

Mr. Fuhs questioned if it was customary for the design firm to also do the permitting. Mr. Jones stated that it was.

Mr. Sterner questioned who was on the selection committee. Mr. Jones stated that he, Kyle Zeiber, Heather Dunkle, Ryan Hottenstein, and Cindy Hemnitz were on the

committee.

Mr. Spencer questioned how this firm obtained its expertise. He noted their involvement in the City Park master plan and stated his concern of their having insider information. He noted his concern with their high cost. Mr. Jones stated that this firm is not the lowest price but it is also not the highest. He stated his belief that working on the master plan did not give them an advantage.

Mr. Fuhs questioned if Mr. Jones knew the amount the subcontractor would be paid for the permitting. Mr. Jones stated that he did not have that information.

Mr. Fuhs questioned if any of the other top contenders were subcontracting. Mr. Jones stated that some were and some were not.

Mr. Fuhs requested that for future contract awards, the top three contenders are presented to Council for comparison. Mr. Jones stated that he would supply this information in the future.

Mr. Spencer stated that he has made calls to Council's recommended appointees to the Blue Ribbon Panel. All who have been called have agreed to serve. Mr. Jenkins and Mr. Seidel still need to be contacted. He suggested contacting Bill Dennis now that he is no longer employed by the County. Mayor McMahon and Mr. Marmarou suggested waiting to contact Mr. Dennis to be sure there are no complicating issues.

Ms. Goodman-Hinnershitz requested an update from Mr. Spencer on the stimulus package funding meeting. Mr. Spencer stated that he did not attend the meeting but spoke with someone who did. He stated that projects were graded but the results are unknown. He stated that Reading's waste water treatment plant project was discussed. He stated that the group will be recalled as necessary to grade future projects.

Mr. Waltman questioned the status of the necessary budget amendments. Mr. Kanezo stated that the changes requested by Council have been made. He stated that he will check the status with Mr. Hottenstein.

VI. Executive Session

Council entered executive session at 6:30 pm to discuss litigation issues. Council exited executive session at 6:42 pm.

The meeting adjourned at 6:43 pm.

Respectfully Submitted

By:

Linda A. Kelleher, City Clerk

Memorandum

To: City Council
From: Joe Ayala, Diversity Officer
Date: March 25, 2009
In re: Affirmative Action Plan

EXECUTIVE SUMMARY

The 2009 Affirmative Action Plan describes the deficiencies inherent within the racial and gender makeup of the City of Reading workforce. This Plan was developed by People Click, a national corporation that helps integrate diversity goals and compliance into the hiring process. Placement goals were ascertained based on the identified deficiencies and solutions were devised to help the City reach those placement goals. This report provided data based on 47 Departments (as grouped together by People Click) and 788 City of Reading employees. In addition, the Affirmative Action Plan includes several summaries and supporting reports that show detailed information used for this Plan. What follows is the process used to identify current deficiencies and established placement goals as well as solutions for reaching these goals.

DEFICIENCIES

In an effort to identify any deficiencies within the racial and gender makeup of employees in the City of Reading, People Click conducted a work force analysis in which they looked at the current job groupings and the employees who fill those positions. This analysis was based on the following information: roster of names, gender, ethnicity and job title¹. Using this information, People Click was able to develop a Job Groupings Summary which identified the number of females and minorities for each job grouping. People Click then performed an analysis of incumbency versus availability to determine if there are any job groups where underutilization existed for females and minorities. Placement Goals were set for those areas where a significant shortfall was identified. Using this methodology, the City of Reading was found to be deficient in five categories as listed below. People Click has suggested that the City increase the corresponding Class by the Goal Placement Rate percentage as enumerated below.

Job Group	Class	Goal Placement Rate %
Officials & Administrators – First/Mid	Female	44.06

¹ The information for the Affirmative Action Plan was provided to People Click by the City of Reading Department of Human Resources. This information was supplied as of December 2008. Very few discrepancies exist within the reported data.

Technicians	Female	57.97
	Minorities	20.57
Skilled Craft Workers	Female	9.17
Service Maintenance	Female	28.98
Service Workers	Minorities	20.12
	Female	23.55

SOLUTIONS

1. People Click identified the following solutions to achieve the desired Goal Placement Rates:
 - a. For job groups that have Placement Goals, steps will be taken to encourage and increase the percentage of qualified females and/or minorities applying for positions both externally and internally. These steps may include, as appropriate, but are not limited to the following:
 - i. Recruiting at colleges and universities with a significant percentage of minority and female students;
 - ii. Publishing job advertisements in newspapers and/or magazines that target females and/or minorities;
 - iii. Offering mentorship programs for female and minority employees;
 - iv. Offering job training to females and minorities currently employed by City of Reading in order to increase their chances of advancing within City of Reading;
 - v. Offering tuition reimbursement to employees to obtain training that will increase their chances of advancing within City of Reading;
 - vi. Using recruitment companies that specifically target females and minorities; and
 - vii. Continuing to use the services of their State Employment Service.
2. What devices the Human Resources Department currently makes use of:
 - a. Job Fairs at local universities and colleges promoting internships
 - i. Albright College
 - ii. Alvernia University
 - iii. Kutztown University
 - iv. Penn State University, Berks County Campus
 - v. Reading Area Community College (internship by appointment only)
 - b. Advertisements in Local and Nationally distributed new papers and periodicals
 - i. The Reading Eagle
 - ii. The Morning Call
 - iii. The Wall Street Journal
 - c. Local and State-wide governmental advertising
 - i. Pennsylvania League of Cities and Municipalities (PLCM)
 - d. Positions appointed by and through the City of Reading
 - i. Positions filled internally through promotions
 - ii. Positions filled through bidding
3. How can we elaborate on People Click's advisement?

a. The City could

1. Advertise in more publications aimed towards ethnicities such as La Voz, and periodicals aimed towards minorities.
2. Utilize the internet more by using such websites as PACareerLink.com or even the general career oriented websites like Monster.com, Jobster.com, Yahoo! HotJobs, Pennsylvaniajobs.com, or CareerBuilder.com
3. Solicit Minority Agencies such as SACA, Crispus Attucks, Brightside, Urban League, etc.
4. Utilize certain community centers and YMCA's posting boards which are high traffic areas for the immediate community.
5. Conduct Job Fairs at Reading High School for upper classmen for degree level and non degree level positions.
6. Offer tuition reimbursement for current employees still attending colleges or universities while working for the city concurrently
7. Contract with a staffing agency that can target, find, and hire qualified ethnic and female employees for the City of Reading, such as New Beginnings Recruiting and Staffing, America at Work, Tempstar Staffing, etc. (all examples given are local agencies).
8. Offer mentorship programs for the female and minority employees to give them insight into their chosen field and show them what advancement opportunities are available.

Memorandum

To: City Council
From: Tonya A. Butler, Esquire
Date: April 2, 2009
In re: Food Code Amendment

The attached Amendment amends the City of Reading Codified Ordinance, Health and Safety provisions: §10-1212.03.2, Application, and §10-1212.03.3, Fees, as follows:

First, the application section is amended to include a Fifty Dollar (\$50.00) processing fee. The City currently requires application/processing fees for other permit/licensing requests; for example, housing permit application fee and more recently, Sidewalk Vending License application fee. The Codes Department wishes to provide consistency in this area.

In addition, the Codes Department also wants to recoup some of the cost associated with the administrative and inspection functions necessary for the Health License. The Maximus study that the City obtained states that to process applications and conduct inspections, the City spends, for example, \$160 for a small restaurant and \$151 for a small grocery store. These costs are not all covered by the actual Health License itself because a number of applicants apply for health licenses and receive inspections but do not obtain the actual license leaving the Codes Department to bear that costs. If a person is denied, the Codes Office has done all of the required work but will not get any reimbursement. Such denials will become more prevalent with the limitation of the number of Sidewalk Vendors in the Downtown Improvement District. Also, there are times when applicants decide after they have applied for a license and received an inspection that they do not wish to open the business. Again, Codes has done the required work but will not recoup any reimbursement.

Second, this section is amended to allow applicants to apply for the Health License with the City of Reading Codes Enforcement Office as a whole as opposed to simply the City Health Officer. This change will allow the full time Administrators in the Codes Office to serve the public as required.

Finally, the fees section of the Ordinance is amended to change the term mobile vending unit to mobile food facility and to add stationary vendor to the term small restaurant. This change was done to make the Ordinance more inclusive of all of the differing vendors: mobile, sidewalk and stationary.

BILL NO. _____-2009
AN ORDINANCE

**AMENDING THE CITY OF READING CODIFIED ORDINANCES SECTION 10-1212.03.2
ADDING NECESSARY LANGUAGE TO ESTABLISH AN APPLICATION FEE FOR ALL
FOOD VENDORS IN THE CITY OF READING**

SECTION 1. Amending the City of Reading Codified Ordinances Section 10-1212.03.3 as follows:

§10-1212.03.2. Application.

Prior to commencement of operation of a facility governed by this Part, the business owner thereof must apply for a Health License with the ~~Health Officer in the City of Reading Codes Enforcement Division Office~~. Such application will be a completed form prepared and provided by the ~~Health Officer or his/her designee~~ *City of Reading Codes Enforcement Office*, submitted thereto, and accompanied by the ~~applicable fee, §10-1212.06. a Fifty Dollar (\$50.00) processing fee. Upon approval, the applicable fee as established in §10-1212.03.3., Fees, listed below, will further be required to obtain a Health License.~~

(Ord. 30-2007, 5/14/2007, §1)

§10-1212.03.3. Fees.

There is hereby established a schedule of fees to be paid before a Health License is issued to any food selling establishment or ~~mobile~~ vendor operating in the City.

SMALL RESTAURANT/ <i>STATIONARY VENDOR</i>	80 Per year
LARGE RESTAURANT	120 Per year
ITINERANT RESTAURANT	15 Per year
ANCILLARY RESTAURANT	15 Per year
SMALL GROCERY	100 Per year
LARGE GROCERY	125 Per year
SUPERMARKET	200 Per year
ONE ITEM WHOLESALE	100 Per year
MULTI-ITEM WHOLESALE	175 Per year
SMALL PROCESSING	80 Per year
LARGE PROCESSING	175 Per year
VENDING MACHINE (enclosed)	12 Per unit
VENDING MACHINE (public right of way)	20 Per unit

MOBILE VENDING UNIT FOOD FACILITY	100 Per unit
CATERING/COMMISSARY	45 Per year
BAKERY	50 Per Year
DELICATESSEN	80 Per Year

(Ord. 30-2007, 5/14/2007, §1)

SECTION 3. All other parts of the Ordinance remain unchanged.

SECTION 4. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(Council Office)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

A N O R D I N A N C E

THE COUNCIL OF THE CITY OF READING ENACTS THIS ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES – CHAPTER 4 – PART 1 HISTORICAL DISTRICTS – SECTION 102 BY ADDING THE DEFINITION OF SATELITE DISH, ANTENA AND OTHER MODERN DEVICE AND CHAPTER 4 – PART 1 HISTORIC DISTRICTS BY ESTABLISHING GUIDELINES FOR THE INSTALLATION OF SATELLITE DISHES AND OTHER MODERN ACCESSORIES, DEVICES OR FIXTURES OF COMPARABLE SIZE IN HISTORIC DISTRICTS.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Adding new language in the City’s Codified Ordinances Chapter 4, Part 1 Historical Districts Section 102 defining satellite dish, antenna, and other modern device as follows:

Satellite dish- A “dish” antenna that is one meter (39.37”) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service.

Antenna- An antenna that is one meter (39.97”) or less in diameter or diagonal measurement and is designed to receive video programming service via MMDS (wireless cable). Such antennas may be mounted on masts to reach the height needed to establish line-of-sight contact with the transmitter.

Other Modern Device- Any other device communication or other utilized to assist in viewer’s ability to receive video programming signals from direct broadcast satellites, multichannel multipoint distribution (MMDS), and television broadcast stations (TVBS)

SECTION 2. Establishing the following guidelines for the placement of satellite dishes in historic districts:

a. Installation-No satellite dishes, antenna, or other similar modern device shall be installed or placed in front yards, front of buildings or along their facades within historic districts. All satellite dishes, antenna, or other similar modern devices shall be located to the rear of the main dwelling unit. Antenna and satellite dishes may be installed in the rear or on the roof of the main dwelling unit. A roof mounted satellite dish or antenna shall not be visible from the public right of way.

b. Exceptions- Satellite dishes may be installed in front of buildings in the historic district only if no other means of reception can be provided. In such cases, the owner or tenant of the property shall seek the issuance of a certificate of appropriateness as required in section 107 of the Historical District Ordinance. Such satellite dishes shall be installed to be unobtrusive and shall be screened from view through the use of landscaping, fencing and/or architectural building features. The Building Inspector and Historic Preservation Specialist shall approve the installation to ensure there is no disruption to the historic nature and aesthetic value of the district.

c. Removal-Any satellite dishes installed in the front of buildings before the enactment of this ordinance shall be removed to meet the requirements of the ordinance **within ninety (90) days of the effective date of this ordinance** if and when the device requires replacement or when the owner or tenant who installed the device no longer inhabits the property.

SECTION 3. This ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Enacted _____, 2009

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2009

A N O R D I N A N C E

AMENDING CHAPTER 11 HOUSING OF
THE CITY OF READING CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 11 entitled Housing is amended as follows:

SECTION 11-102 DEFINITIONS is hereby amended to added or amend
the following terms and definition:

LEASE - See Rent

LET - See Rent

PERMIT - registration of a property as a rental unit

RENT - compensation for providing a shelter or lodging for occupation or
habitation by humans to reside, monetary or non-monetary

RENTAL UNIT - a rooming unit or dwelling unit let for rent, a non-
owner occupied rooming or dwelling unit, or a dwelling unit occupied by an
owner and additional unrelated individuals. A rental unit shall not include a
hotel unit. A rental unit includes dwelling units under lease- purchase agreements
or long-term (greater than six (6) months) agreements of sale.

SECTION 11-104 APPLICATION FOR PERMIT is hereby amended as
follows:

§11-104 APPLICATION FOR REGISTRATION OF A ~~PERMIT~~ RENTAL

Application for and registration of a rental ~~permit~~ property for a
dwelling unit or a rooming unit shall be made in writing on forms
prepared and provided by the City of Reading ~~Codes Enforcement~~
~~Division~~ Property Maintenance Division and shall be accompanied by
payment of the applicable ~~permit~~ registration fee. Such forms shall
require, but not shall not be limited to, the following information and shall be
signed and sworn to by the owner of such dwelling unit or rooming unit:

11-104(8) requiring production of a copy of a Business Privilege License
under which the owner rents the dwelling unit or rooming unit and
reporting gross receipts therefrom is hereby deleted from the
requirements for an application for a ~~Housing Permit~~ Rental Registration.
Said removal shall not preclude the City of Reading Department of
Finance Tax Division from investigating, requiring and prosecuting an

owner, where necessary, to obtain a Business Privilege License pursuant to the City of Reading Codified Ordinances upon receipt of information from the Property Maintenance Division of the City of Reading of a rental of a property.

11-104(9) and(10) requiring proof of valid contract with a state licensed trash hauler or participation on the City of Reading trash collection program and recycling program are hereby deleted from the requirements of an application for a ~~Housing Permit~~ Rental Registration. Said removal shall not preclude the City of Reading Department of Public Works Solid Waste Division from investigating, requiring and prosecuting where necessary a property owner for failure to have a valid trash hauler and participation in the City of Reading recycling program pursuant to the City of Reading Codified Ordinances upon receipt of information from the Property Maintenance Division of the City of Reading of a rental of a property.

11-104(13) requiring production of a proof of insurance from an insurer licensed by the Commonwealth of Pennsylvania for the property is hereby deleted from the requirements for an application for a ~~Housing Permit~~ Rental Registration. Said removal shall not preclude the City of Reading Department of Community Development Building and Trades Division or Department of Fire and Rescue Fire Prevention Division from requesting insurance information for the property upon necessity therefor.

SECTION 11-105 RENEWAL OF RENTAL PERMIT is hereby amended as follows:

§11-105 RENEWAL OF RENTAL PERMIT RENTAL REGISTRATION

It shall be the responsibility of the owner of the dwelling unit or rooming unit to request and submit an application for renewal of a Rental Permit Registration. Rental Registrations for 2008 and 2009 will be jointly issued and processed by the City of Reading Property Maintenance Division. The owner of every dwelling unit or rooming unit must renew his/her/their Rental Permit Registration for each such dwelling unit or rooming unit for 2008 and 2009 by September 1, 2009. An application for renewal of a rental permit registration for 2008 and 2009 with the requisite fees may be submitted between July 1, 2009 and August 31, 2009. All renewal applications for 2008 and 2009 received after the first of September, 2009 shall be subject to revocation of the rental permit and/or doubling of the fee set forth herein. In addition, failure to pay/renew a rental permit by December 1, 2009 will result in submission of the bill and account for a rental permit registration to collections for recovery. The owner of every dwelling unit or rooming unit must renew his/her/their/its Rental Registration for each such dwelling unit or rooming unit for 2010 by April 1, 2010. An application for renewal of a rental registration for 2010 with the requisite fees may be submitted between February 1, 2010 and March 31, 2010. All renewal applications for 2010 received after the first of April, 2010 shall be subject to revocation of the rental permit and/or doubling of the fee set forth herein. In addition, failure to pay/renew a rental permit by April 1, 2010 will result in submission of the bill and account for a rental permit registration to collections for recovery. Commencing for renewal of a Rental

Registration for 2011 and each year thereafter, the owner of every dwelling unit or
rooming unit must renew his/her/their/its Rental-Permit Registration for each such
dwelling unit or rooming unit for said year by the first business day after the first of
January of said year. An application for renewal of a rental permit registration for 2011
and each subsequent year with the requisite fees may be submitted between November
1 and December 31 of the applicable year. All renewal applications for 2011 and
subsequent years received after the first business day in January of the applicable
year shall be subject to revocation of the rental permit and/or doubling of the fee set
forth herein. In addition, failure to pay/renew a rental permit by March 1 of the
applicable year will result in submission of the bill and account for a rental permit
registration to collections for recovery. To renew a rental permit registration the
owner must complete ~~the~~ an application for renewal on the form prepared and
provided by the ~~Codes Enforcement Division~~ Property Maintenance Division
and pay the applicable fee. Except as set forth in this Part, on a not less than 3 no
more than 5 year basis, renewal of a rental permit-registration is not subject to
an inspection. An application for renewal of a rental ~~permit-registration~~ may be
denied resulting in nonrenewal of the ~~permit-registration~~ as set forth herein.
Failure of the owner to renew a permit will be considered a surrendering and
revocation of the rental ~~permit-registration~~ and will require vacation of all
occupants/tenants of the dwelling unit or rooming. To obtain a rental
~~permit-registration~~ after its surrender and revocation, the owner will have to
submit a new initial application and undergo the requirements thereof. Any
waiver of such requirements is at the discretion of the ~~Codes-~~ Enforcement
~~Division~~ Property Maintenance Division Administrator or his/her designee.

SECTION 11-109 INSPECTON is hereby amended as follows:

A. INITIAL APPLICATION

Except as provided herein, all properties for which a Rental Registration is
submitted from 2007 through 2014 shall not be required to undergo an
inspection to be registered as a rental property. Properties which have
historically, within the last five (5) years, been owner-occupied and
not registered rental properties shall be required to undergo an inspection as
part of the initial application to register as a rental property. This provision shall
not include registered rental properties from continuing to undergo an inspection
pursuant to the City of Reading Rental Inspection Program including but not
limited to renewal inspections, routine inspections and complaint
inspections nor a Health and Safety Inspection pursuant to the City of Reading
Codified Ordinances upon transfer of a property.

If an initial application inspection is required pursuant to the provisions of
this Part and the City of Reading Rental Property Inspection Program,
then all other portions of §11-109(A) shall remain in full force
and effect.

B. RENEWAL INSPECTIONS

An inspection of a dwelling unit or rooming unit shall be performed on a rotating basis commencing in 2009 not less than three (3) years nor more than five (5) years, per the City of Reading Rental Property Inspection Program.

If a renewal inspection is required pursuant to the provisions of this Part and the City of Reading Rental Property Inspection Program, then all other portions of §11-109(B) shall remain in full force and effect.

SECTION 11-119 OFFICIAL NOTICES is hereby amended as follows:

All official notices, excluding notice of inspection, including but not limited to Notices of Violations relating to a dwelling unit or rooming unit shall be served on the owner with a copy to local responsible agent. All official notices, excluding notice of inspection which shall be in the manner set forth herein, shall be by first class mail to address of record of the owner and local responsible agent and posting of the dwelling unit or rooming unit.

SECTION 11-123 VIOLATIONS AND PENALTIES is hereby amended as follows:

E. PLACARDING AND CONDEMNING

The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Inspector a reasonable amount of time vacation, of a property that is being rented for which a registration therefor has not been filed with the Property Maintenance Division as required by this Ordinance.

PART E. NONEXCLUSIVE REMEDIES IS RENUMBER TO PART F.

SECTION 2: All references to Housing Permit, Housing Rental Permit or Rental Permit shall be amended and changed to Rental Registration or Rental Housing Registration.

SECTION 3: All references to Codes Enforcement Division shall be amended and altered to be Property Maintenance Division.

SECTION 4: All references to Manager of Code or Codes Enforcement Division shall be amended and altered to read Administrator of the Property Maintenance Division.

SECTION 5: All relevant ordinances, regulations, remaining sections of Chapter 11 Housing – Rental Ordinance and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

SECTION 6: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 7: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2009

Council President

Attest:

City Clerk

(LAW)

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____



CITY OF READING, PENNSYLVANIA

City of Reading Charter Board
P.O. Box 12149
READING, PA 19612

SUSAN J. GIBSON
CHAIRPERSON

March 9, 2009

Dear Council President Spencer,

The City of Reading Charter Board desires to amend the Charter Board Ordinance. As outlined in the attached submission, we propose changing the existing language of Section V (A) (2) (c), pertaining to the withdrawal of complaints. Presently, the Ordinance provides that a complainant may withdraw his or her complaint at any time after submission and no further action will be taken. Recent experience has demonstrated the advisability of modifying this provision in a manner that would limit the withdrawal of complaints to the time period between submission and conclusion of the preliminary investigation by the Investigative Officer. The effect of the proposed amendment is to limit the ability of the private complainant to withdraw his/her complaint after there has been a finding by the Investigative Officer that the complaint has merit.

The primary reasons for this amendment are two-fold:

- 1) By limiting the ability of the private individual to withdraw, he or she cannot be pressured into ending what has proven, at least so far, to be a meritorious complaint. By removing private individuals from this pressure, complaints are allowed to proceed through a full, thorough, and professional investigative mechanism without being cut short for reasons unrelated to their merits.
- 2) The proposed amendment clarifies the true relationship between the complainant and the complaint. The complainant's role is solely that of an initiator of the investigative process – one who alerts the Investigative Officer that a Charter violation may have occurred. Once probable cause has been found, it is the Investigative Officer who owns the process, pursuing a possible violation in the public interest. As a public official pursuing a public wrong, the Investigative Officer should not be required to cease a meritorious investigation simply because a private individual, for whatever reason, chooses to withdraw the complaint.

The Board appreciates Councils' due consideration of this proposed Amendment. Please don't hesitate to contact me should further clarification be necessary or helpful.

Sincerely,
Susan J. Gibson
City of Reading Charter Board



BILL NO. _____-2009
A N O R D I N A N C E

AMENDING THE CITY OF READING CHARTER BOARD ORDINANCE
SECTION V (A) (2) (c)

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Reading Charter Board Ordinance is hereby amended by replacing the existing first sentence of Section V (A) (2) (c) with the following underlined new language:

The complainant may withdraw his or her complaint at any time between the complainant's submission of the complaint and the conclusion of the preliminary investigation by the Officer. If the complaint is withdrawn within the time period provided, no further action will be taken respecting that complaint. Such withdrawal shall be in writing and contain a notarized signature. If a preliminary investigation has already been initiated, the subject of the investigation shall be immediately notified of the withdrawal. The individual's withdrawal of a complaint does not preclude further action by the Board on its own motion.

SECTION 2. All other sections, parts and provisions of the City of Reading Charter Board Ordinance, including the remainder of Section V (A) (2) (c), shall remain in full force and effect as previously enacted and amended.

SECTION 3. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of City Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect ten (10) days after adoption in accordance with City of Reading Home Rule Charter, as amended, Sections 219 and 221.

Enacted _____, 2009

President of Council

Attest: _____
City Clerk

(Charter Review Board)